

REMARKS

Response to Examiner's Response to Arguments

The Examiner stated that Applicant's arguments filed December 28, 2005 have been fully considered but they were not considered persuasive. The Examiner stated:

“...the examiner was taking the position stated in MPEP 2111, which is to give pending claims the broadest reasonable interpretation.”

It is respectfully submitted that the Examiner has not followed the most recent decisions of the CAFC, and the guidance of MPEP §2111 and MPEP §2111.01 taken as a whole, which is not to give the claims the broadest interpretation that a dictionary might support, but to give the claims a *reasonable* interpretation consistent with the interpretation that those skilled in the art would reach in light of the specification and drawings.

As explained by the CAFC (*en banc*) in Phillips v. AWH Corp., F.3d, 75 USPQ2d 1321 (Fed. Cir. 2005), the CAFC has refocused its approach to claim construction — moving away from extrinsic evidence offered by dictionaries and encyclopedias toward a more detailed analysis of the patent specification. In the process, the majority *en banc* panel rejected the claim construction approach of Texas Digital Systems v. Telegenix (Fed. Cir. 2002) and its progeny. The CAFC held:

“In Texas Digital, the court noted that "dictionaries, encyclopedias and treatises are particularly useful resources to assist the court in determining the ordinary and customary meanings of claim terms." . . . Although the concern expressed by the court in Texas Digital was valid, the methodology it adopted placed too much reliance on extrinsic sources such as dictionaries, treatises, and encyclopedias and too little on intrinsic sources, in particular the specification and prosecution history. . . . That approach, in our view, improperly restricts the role of the specification in claim construction.”

The court logically found that the problem of using dictionaries in claim construction is that they focus the inquiry on the abstract meaning of words rather than on the meaning of claim terms within the context of the patent.

“Yet heavy reliance on the dictionary divorced from the intrinsic evidence risks transforming the meaning of the claim term to the artisan into

the meaning of the term in the abstract, out of its particular context, which is the specification."

Interpreting 35 U.S.C. 112, the CAFC determined that the statute requires that the specification inform the claim construction.

"In light of the statutory directive that the inventor provide a "full" and "exact" description of the claimed invention, the specification necessarily informs the proper construction of the claims."

Consistently therewith, MPEP §§2111 and 2111.01 explain

"2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)...See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (..."PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Corthright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999)... [deletions and underlining for clarity; bold and italics in original]

2111.01 Plain Meaning [R-3]

I. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS THEY ARE DEFINED IN THE SPECIFICATION

...See also *In re Marosi*, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983) ("Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis in original)...Compare *In re Weiss*, 989 F.2d 1202, 26 USPQ2d 1885 (Fed. Cir. 1993) (unpublished decision - cannot be cited as precedent)...The court reversed the rejection stating that when interpreting a claim term which is

ambiguous,...we must look to the specification for the meaning ascribed to that term by the inventor."...

II. "PLAIN MEANING" REFERS TO THE ORDINARY AND CUSTOMARY MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

...It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003) (...In construing claim terms, the general meanings gleaned from reference sources, such as ictionaries, must always be compared against the use of the terms in context, and the intrinsic record must always be consulted to identify which of the different possible dictionary meanings is most consistent with the use of the words by the inventor)...

The ordinary and customary meaning of a term may be evidenced by a variety of sources, **Phillips v. AWH Corp., 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc), including:...the written description, the drawings, and the prosecution history, see, e.g., *DeMarini Sports, Inc. v. Worth, Inc.*, 239 F.3d 1314, 1324, 57 USPQ2d 1889, 1894 (Fed. Cir. 2001). If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant's use of the terms. *Brookhill-Wilk* 1, 334 F. 3d at 1300, 67 USPQ2d at 1137; see also *Renishaw PLC v. Marposs Societa" per Azioni*, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) ("Where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.") and *Vitronics Corp. v. Conceptronic Inc.*, 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996)... [deletions and underlining for clarity; bold and italics in original]

As MPEP §2111.01 confirms above ("including:...the written description, the drawings, and the prosecution history"), in determining the subject matter that is claimed, it is well settled that the drawings are an integral part of the disclosure:

"...it is not the normal function of a claim to disclose the invention, but to point out the features of novelty in the invention as disclosed in the specification and drawing of the application." *Bocciaelli v. Huffman*, 232 F.2d 647, 109 USPQ 385, 388 (C.C.P.A. 1956) [underlining for clarity]

Therefore, and referring to FIGs. 3 and 4 along with the written description (quoted below), the present disclosure clearly shows that the opposing contacts face toward one another, thus facing in opposite directions with respect to each other, not facing parallel to

one another. It is noted, for example, that the upper electrical contacts are always consistently identified by the reference number 304, while the lower electrical contacts are always consistently identified by the reference number 306. These respective contacts are always illustrated as facing respectively in opposite directions *with respect to each other* – i.e., facing each other, not facing parallel to each other. This is consistent with the description in the specification, which clearly shows the pairing of upper contacts with lower contacts that oppose each other. The meaning of “opposing” as facing each other, in opposite, not parallel, directions is therefore clear from the specification and the drawings. In this regard, the specification states:

“Referring now to FIG. 3, therein is shown...upper electrical contacts 304 and lower electrical contacts 306...

...the electrical elements under test can be electrically isolated by configuring the upper electrical contacts 304 in an offset pattern with respect to the lower electrical contacts 306. In this manner, any particular electrical contact may be in contact with more than one conductor in the specimen, but the opposing electrical contacts are offset-positioned to contact respectively only one of the conductors contacted by the particular electrical contact.

Referring now to FIG. 4, therein is shown...a testing configuration in which the upper electrical contacts 304 and the lower electrical contacts 306 are in physical contact with the specimen slice 302. Due to the offset contact pattern, for any single upper electrical contact 304 and any single lower electrical contact 306, there is only one via 206 that is connected between that contact pair...The isolation of the individual vias with respect to any given pair of contacts, one upper and one lower, is a result of the lateral offset of the lower electrical contacts 306 with regard to the upper electrical contacts 304 (and vice versa)...

...To accommodate such positional variations and/or irregularities, the upper electrical contacts 304 and the lower electrical contacts 306 may be offset from each other...to assure that unique connections are made between each pair of the upper and lower electrical contacts...” [deletions and underlining for clarity]

Thus, the meaning of “opposing electrical contacts” in the claims, as facing each other in opposite, not parallel, directions would be clearly understood by a person of ordinary skill in the art from the unambiguous disclosure in the present specification and drawings. This is the clear standard that must be followed in accordance with MPEP §§2111 and 2111.01, as explained above.

Accordingly, inasmuch as Cowan fails to disclose opposing contacts that face each other in opposite, not parallel, directions, as would be clearly understood from the present

disclosure by those skilled in the art, as shown above, Cowan fails to anticipate the claimed invention in accordance with MPEP §§2111 and 2111.01. Reconsideration, withdrawal of the rejections, and allowance of the claims is therefore respectfully requested.

Claim Rejections - 35 USC §§102 and 103

Concerning the current rejections, discussed below, the issues have been carefully reconsidered in light of the remarks above, and clarifications have been made in the Applicants' responding remarks below with a view to facilitating a clearer understanding of the Applicants' position with respect thereto.

Claim Rejections - 35 USC §102

Claims 1-3, 6-7, 10-13, 16-17 and 20 are rejected under 35 U.S.C. §102(e) as being anticipated by Cowan (U.S. Patent No. 6,605,951, hereinafter “Cowan”).

Cowan provides an interconnector and method for connecting probes to a die for functional analysis. Interconnectors are placed on a die containing a semiconductor device or integrated circuit that is to be tested or analyzed. Each interconnector includes a bump contact for contacting a bond pad of the die, and a probe pad at a position spaced from the bump contact. An interconnector connects the bump contact and the probe pad. The interconnector is attached to the die with the bump contact in electrical contact with a respective die bond pad and with the probe pad extending beyond an exterior peripheral edge of the die. Probes apply signals or power to the probe pad, and those signals and power are applied to the semiconductor device or integrated circuit for die test or analysis.

Regarding independent claims 1, 6, 11, and 16, the Applicants respectfully traverse the rejections of these claims since the Applicants' claimed combinations, as exemplified in claim 1, includes the limitation not disclosed in Cowan of:

providing a plurality of opposing electrical contacts; and
configuring the electrical contacts...such that any one electrical contact...and any
opposing electrical contact...contact no more than one of the conductors
contacted by the one electrical contact. [deletions and underlining for clarity]

The Examiner states in the Final Office Action dated March 20, 2006:

“providing a plurality of opposing electrical contacts (bump contacts 62); and configuring the electrical contacts (62)...such that any one electrical contact...and any opposing electrical contact (62)...contact no more than one of the conductors contacted by the one electrical contact.” [deletions for clarity]

However, as explained earlier above, Cowan does not disclose opposing electrical contacts in which one contact pairs with another contact that opposes it to contact a single conductor, as clearly defined and understood in the present application. Instead, Cowan at column 5, lines 18–31, states:

“A...bump contact 62 is mounted on the top surface 48...of the tape 46...The bump contact 62...attach[es] itself to...the die 22...as shown in FIG. 3.” [deletions and underlining for clarity]

Thus, as described and as shown in FIG. 3 of Cowan, the bump contacts 62 of Cowan all face in the same direction toward the die 22. The bump contacts 62 are all thus disposed parallel to one another, not opposing, as would be clearly understood from the present disclosure by those skilled in the art (MPEP §§2111 and 2111.01, *supra*). Thus Cowan does not disclose opposing electrical contacts in which one contact is paired with another contact that opposes it to contact a single conductor, as the subject matter of claims 1, 6, 11, and 16 is directed to.

Based on the above, it is respectfully submitted that independent claims 1, 6, 11, and 16, and the respective claims 2–5, 7–10, 12–15, and 17–20 depending directly or indirectly respectively therefrom, are allowable under 35 USC §102(e) because:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” [emphasis added] *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.* (730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed Cir. 1983)))

The Applicants additionally traverse the rejections of claims 1, 6, 11, and 16 since the Applicants' claimed combinations, as exemplified in claim 1, includes the limitation not disclosed in Cowan of:

"configuring the electrical contacts...such that any one electrical contact may contact more than one conductor in the sample" [deletions for clarity]

The Examiner states in the Office Action:

"configuring the electrical contacts (62)...such that any one electrical contact may contact more than one conductor in the sample" [deletions for clarity]

However, Cowan states that each bump contact 22 makes a single electrical connection to the die 22:

"Preferably, the interconnector 11 is...in the form of a single strip for making a single electrical connection between the die 22 and the probe 16." (column 5, lines 36–39) [deletions and underlining for clarity]

"the interconnector 11...connects to a single bond pad 66" (column 5, lines 60–61) [deletions and underlining for clarity]

"Bump contacts 62 on the interconnector pad 68 are formed at predetermined positions to line up with and contact the bond pads 66 (FIG. 3)" (column 6, lines 1–3) [deletions and underlining for clarity]

"to hold each bump contact 62 in contact with a bond pad 66" (column 7, lines 9–10) [deletions and underlining for clarity]

Thus Cowan does not disclose configuring the electrical contacts such that any one electrical contact may contact more than one conductor in the sample as claimed in claims 1, 6, 11, and 16.

Based on the above, it is respectfully submitted that independent claims 1, 6, 11, and 16, and the respective claims 2–5, 7–10, 12–15, and 17–20 depending directly or indirectly respectively therefrom, are allowable under 35 USC §102(e) because of Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., and the other cases cited therewith, *supra*.

Withdrawal of the rejections and allowance of the claims is therefore respectfully requested.

Additionally, with regard to the claim limitation concerning configuring the electrical contacts such that any one electrical contact may contact more than one conductor in the sample, the Examiner has not answered the Applicants' prior arguments filed on December 28, 2005, and restated just above. Such an answer is required by MPEP §707.07(f), which provides:

“707.07(f) Answer All Material Traversed [R-3]

...
Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

...
ANSWERING ASSERTED ADVANTAGES

...
The importance of answering applicant's arguments is illustrated by *In re Herrmann*, 261 F.2d 598, 120 USPQ 182 (CCPA 1958) where the applicant urged that the subject matter claimed produced new and useful results. The court noted that since applicant's statement of advantages was not questioned by the examiner or the Board of Appeals, it was constrained to accept the statement at face value and therefore found certain claims to be allowable. See also *In re Soni*, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995) (Office failed to rebut applicant's argument)."

[underlining for clarity; bold titles in original.]

Such a failure to provide an explanation was also criticized by the Board in *Ex parte Schricker*:

“The examiner has left applicant and the board to guess at the basis of the rejection and after having us guess would have us figure out (i.e., further guess) what part of which [prior art] document supports the rejection. We are not good at guessing; hence, we decline to guess.” *Ex parte Schricker*, 56 USPQ2d 1723 (B.P.A.I. 2000) (unpublished).

Accordingly, it is respectfully submitted that the Applicants are entitled to withdrawal of this rejection and to allowance of claims 1, 6, 11, and 16 per MPEP §707.07(f) and *Ex parte Schricker*. Allowance of claims 1, 6, 11, and 16, and the claims dependent thereon, is accordingly respectfully requested.

Regarding claims 2, 3, 7, 10, 12, 13, 17, and 20, these dependent claims each depend directly or indirectly from respective independent claims 1, 6, 11, and 16 and are believed to be allowable since they contain all the limitations set forth in the independent claims from which they respectively depend and additionally claim non-obvious combinations thereof. Allowance of claims 2, 3, 7, 10, 12, 13, 17, and 20 is therefore respectfully requested because of *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, the other cases cited therewith, MPEP §707.07(f), and *Ex parte Schricker, supra*.

Claim Rejections - 35 USC §103

Concerning the rejections under 35 U.S.C. §103, the issues have been carefully reconsidered in light of the Examiner's response to the Applicant's prior arguments, and clarifications have been made in the responding remarks below with a view to facilitating a clearer understanding of the Applicants' position with respect thereto.

Claims 4-5, 8-9, 14-15 and 18-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cowan (U.S. Patent No. 6,605,951 B1, hereinafter "Cowan") in view of Takao (U.S. Patent No. 6,639,417 B2, hereinafter "Takao").

Cowan was previously summarized above.

Takao provides a semiconductor parametric testing apparatus for testing the parameters of a designated semiconductor die. The testing includes designating a die and module on each wafer at which a test should be paused, and pausing a test at the preselected die and module on each wafer. An operator can interactively determine the contents of a test after a pause and start a subprogram for performing another test, for more easily and quickly discovering the cause of a failure.

Regarding claims 4, 8, 14, and 18, these dependent claims each depend from respective independent claims 1, 6, 11, and 16, and are believed to be allowable since they contain all the limitations set forth therein and additionally claim non-obvious combinations thereof. Allowance of claims 4, 8, 14, and 18 is therefore respectfully requested on this

ground as well because of Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., the other cases cited therewith, MPEP §707.07(f), and *Ex parte Schricker, supra*.

The Applicants also respectfully traverse the rejections of claims 4, 8, 14, and 18 on the grounds that the Applicants' claimed combinations would be patentable over Cowan in view of Takao since the Applicants' claimed combinations, as exemplified in claim 4, includes the limitation not disclosed in either Cowan or Takao, taken as a whole, of:

“providing a parametric test structure for testing the opposing contacts”

The Examiner states in the Office Action:

“...Cowan...does not disclose a parametric test structure as claimed. Takao discloses [Fig. 6] a tester (tester 3) for failure analysis of small contacts in integrated circuits (IC wafer 2), comprising: a plurality of opposing electrical contact arrays (wafer prober 5) and a parametric test structure (parametric testing system 1) for testing the opposing contacts.” [deletions for clarity]

However, Takao does not teach or suggest “a plurality of opposing electrical contact arrays (wafer prober 5)”, but at column 1, lines 48–61 only discloses the wafer prober 5 as:

“The definitions of terms used in this specification are as follows...The wafer prober 5 puts its probe on each module 21...The wafer prober 5 is connected physically and electrically to the wafer 2” [deletions for clarity]

The above shows that Takao does not teach or suggest opposing electrical contacts (i.e., contacts that face each other in opposite, not parallel, directions; MPEP §§2111 and 2111.01, *supra*), and could not provide this teaching for a combination with Cowan.

It is noted that the Examiner acknowledged making the same broad dictionary-based interpretation with respect to Takao's contacts that the Examiner made with respect to Cowan's contacts. However, for the same reasons explained above with respect to Cowan, such an interpretation is equally erroneous when applied to Takao. That is, neither Takao or Cowan, individually or taken together as a whole, discloses opposing contacts that face each other in opposite, not parallel, directions, as would be clearly understood from the present disclosure by those skilled in the art, which is the proper standard in accordance with MPEP §§2111 and 2111.01, *supra*. Reconsideration, withdrawal of the rejection, and allowance of the claims is therefore respectfully requested because:

“[T]he prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.” *In re Vaeck*, 947 F2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) [bold for clarity]

Allowance of claims 4, 8, 14, and 18 is accordingly respectfully requested.

Additionally, Takao teaches and suggests nothing about “a parametric test structure (parametric testing system 1) for testing the opposing contacts”, as stated by the Examiner.

First, there is no disclosure or suggestion in Takao for “opposing contacts”, as just explained above, so there is no corresponding structure disclosed for testing any such undisclosed opposing contacts.

Secondly, the “parametric testing system 1” of Takao is a system for testing the parameters of a semiconductor wafer, not for testing the contacts of a die tester, as explained in Takao column 1, lines 8–13:

“The present invention relates...to a semiconductor parametric testing apparatus for measuring several parameters for semiconductors on a wafer and testing them in, for example, the process for manufacturing semiconductor integrated circuits” [deletions and underlining for clarity]

In the present invention, however, the parametric test structure (specimen slice 302) is configured for testing opposing upper and lower tester micro-contacts (i.e., the Applicants’ contacts 304 and 306) not for testing a semiconductor wafer or die. Takao teaches nothing about testing the contacts of the tester. The parametric testing apparatus of Takao discloses nothing about testing opposing upper and lower tester micro-contacts (present invention). Therefore, as the above shows, Takao does not teach or suggest “providing a parametric test structure for testing the opposing contacts” of the tester of the present invention, and could not provide such a teaching for a combination with Cowan.

Accordingly, neither Cowan nor Takao, taken singly or taken together as a whole, provides a parametric test structure for testing the opposing contacts, and there is thus no teaching, suggestion, or motivation in these references, taken as a whole, for the combination of Cowan in view of Takao as suggested by the Examiner.

Accordingly, and based upon the above, it is respectfully submitted that claims 4, 8, 14, and 18 are allowable under 35 U.S.C. §103(a) as being unobvious at the time the invention was made to a person having ordinary skill in the art because of *In re Vaeck, supra*.

Additionally, although the Examiner referred to the Applicants' prior arguments filed December 28, 2005 on the point of testing the tester contacts rather than testing a wafer or die, the Examiner did not actually answer those prior arguments. Accordingly, it is respectfully submitted that the Applicants are entitled to withdrawal of this rejection and to allowance of claims 4, 8, 14, and 18 per MPEP §707.07(f) and *Ex parte Schricker, supra*. Allowance of claims 4, 8, 14, and 18 is accordingly respectfully requested.

Regarding claims 5, 9, 15, and 19, these dependent claims depend respectively from claims 4, 8, 14, and 18 and are believed to be allowable since they contain all the limitations set forth therein and additionally claim non-obvious combinations thereof. Additionally, claims 5, 9, 15, and 19 depend indirectly from respective independent claims 1, 6, 11, and 16, and are therefore also believed to be allowable since they contain all the limitations set forth therein and additionally claim non-obvious combinations thereof. Allowance of claims 5, 9, 15, and 19 is therefore respectfully requested on these grounds as well because of *In re Vaeck, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, the other cases cited therewith, *In re Vaeck, MPEP §707.07(f)*, and *Ex parte Schricker, supra*.

The Applicants also respectfully traverse the rejection of claims 5, 9, 15, and 19 on the grounds that the Applicants' claimed combinations would be patentable over Cowan in view of Takao since the Applicants' claimed combinations, as exemplified in claim 5, includes the limitation not disclosed in either Cowan or Takao taken as a whole of:

using the parametric test structure to adjust the offset pattern of the contacts

The Examiner states in the Office Action:

“...Cowan... does not disclose means for using the parametric test structure as claimed. Takao discloses [Fig. 6] a tester (tester 3) for failure analysis of small contacts in integrated circuits (IC wafer 2), comprising: a plurality of opposing electrical contact arrays (wafer prober 5), a parametric test structure (parametric testing system 1) for testing the opposing contacts

and means (computer 6A) for using the parametric test structure (1) to adjust the offset pattern of the contacts”

However, in the Examiner’s Response to the Applicant’s prior arguments, the Examiner made it clear that Takao’s parametric test structure includes Takao’s contacts:

“Takao does disclose using parametric test structure to adjust the contacts (probe of wafer prober 5). In col. 1, lines 19-27, it states that the parametric test structure comprises wafer prober 5, tester 3, computer 6A and a measuring program group 6B. [underlining for clarity]

Therefore, Takao’s parametric test structure is not a structure for testing the opposing contacts, as the parametric test structure of claims 5, 9, 15, and 19 of the present invention is defined (in their parent claims). Rather, Takao’s parametric test structure includes contacts in the prober and is for testing a semiconductor die, not for testing contacts as claimed in claims 5, 9, 15, and 19.

The above shows that Takao does not teach or suggest using the parametric test structure to adjust the offset pattern of the contacts, and could not provide this teaching for a combination with Cowan, because Takao neither teaches nor discloses a parametric test structure as claimed.

Accordingly, neither Cowan nor Takao, taken individually or taken together as a whole, provides using the parametric test structure to adjust the offset pattern of the contacts, and there is thus no teaching, suggestion, or motivation in either of these references taken together as a whole for the combination of Cowan in view of Takao as suggested by the Examiner.

Accordingly, and based upon the above, it is respectfully submitted that claims 5, 9, 15, and 19 are allowable under 35 U.S.C. §103(a) as being unobvious at the time the invention was made to a person having ordinary skill in the art because of *In re Vaeck*, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., the other cases cited therewith, *In re Vaeck*, MPEP §707.07(f), and *Ex parte Schricke*, *supra*.

Accordingly, allowance of claims 4, 5, 8, 9, 14, 15, 18, and 19 as being patentable under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 1-20 at an early date is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including any extension of time fees, to Deposit Account No. 01-0365 and please credit any excess fees to such deposit account.

Respectfully submitted,



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